

[Counsel of Record Listed on Following Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW PHILLIBEN, individually and
on behalf of all others similarly situated; and
BYRON McKNIGHT, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

UBER TECHNOLOGIES, INC., a Delaware
Corporation; and RASIER, LLC, a Delaware
Limited Liability Company,

Defendants.

Case No. 3:14-cv-05615-JST

HON. JON S. TIGAR

**JOINT STIPULATION AND
[PROPOSED] ORDER UPDATING THE
COURT ON SETTLEMENT
DISCUSSIONS AND REQUESTING
EXTENSION OF TEMPORARY STAY**

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Uber Technologies, Inc. and Rasier, LLC

TO THE HONORABLE COURT AND THE CLERK OF THE COURT:

Pursuant to Civil Local Rule 6-2, Plaintiffs Julian Mena, Todd Schreiber, Nate Coolidge and Ernesto Mejia (“Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier, LLC (“Defendants”) (collectively with Plaintiffs, the “Parties”) provide this update to the Court on the status of their settlement discussions following the Parties’ third mediation on October 30, 2015. By and through their respective counsel of record, the Parties hereby stipulate and request that the Court enter an Order as follows:

WHEREAS, Plaintiffs commenced this action on December 23, 2014 [Dkt. #1];

WHEREAS, on March 20, 2015, Defendants filed a Motion to Stay Proceedings Pending Arbitration [Dkt. #25];

WHEREAS, on June 29, 2015, the Parties’ filed a Joint Stipulation and [Proposed] Order for Temporary Stay Pending Mediation [Dkt. #48];

WHEREAS, on June 29, 2015, the Court granted the Parties’ Joint Stipulation and [Proposed] Order for Temporary Stay Pending Mediation [Dkt. #49];

WHEREAS, on July 29, 2015, the Parties filed a Joint Stipulation and [Proposed] Order for Second Temporary Stay Pending Mediation [Dkt. #51];

WHEREAS, on August 3, 2015, the Court granted the Parties’ Joint Stipulation and [Proposed] Order for Second Temporary Stay Pending Mediation [Dkt. #53];

WHEREAS, on August 24, 2015, the Parties participated in an all-day mediation session with the Hon. Carl J. West (Ret.);

WHEREAS, on September 17, 2015, the Parties filed a Joint Stipulation and [Proposed] Order Updating the Court on Settlement Discussions And Requesting Extension of Temporary Stay Pending Further Mediation [Dkt. #57];

WHEREAS, on September 17, 2015, the Court granted the Parties’ Joint Stipulation and [Proposed] Order Updating the Court on Settlement Discussions And Requesting Extension of Temporary Stay Pending Further Mediation [Dkt. #58];

WHEREAS, on October 2, 2015, the Parties participated in an all-day mediation session with the Hon. Carl J. West (Ret.);

1 WHEREAS, on October 30, 2015, the Parties participated in a third mediation session
2 with the Hon. Carl J. West (Ret.);

3 WHEREAS, the parties made significant progress at the October 30, 2015 mediation and
4 continue to engage in detailed and comprehensive settlement discussions both directly and
5 through the Hon. Carl J. West (Ret.);

6 WHEREAS, pursuant to the Court's September 17, 2015 order pursuant to stipulation,
7 the hearing on Defendants' Motion to Stay Proceedings Pending Arbitration is presently set for
8 November 19, 2015 at 2:00 p.m. and the Initial Case Management Conference is set for
9 December 2, 2015 at 2:00 p.m. [Dkt. #58];

10 WHEREAS, the Parties jointly desire to avoid further expenditure of the Court's
11 resources or their own resources on this litigation pending their on-going settlement discussions;

12 WHEREAS, this stipulation is not entered into for the purpose of delay, but instead to
13 avoid the needless expenditure of resources by the parties and this Court;

14 WHEREAS, no scheduling order has been entered and no trial date has been set for this
15 case and the parties believe that the granting of the herein requested continuances will not have
16 any effect on the schedule for the case;

17 **NOW THEREFORE**, in consideration of the foregoing, the Parties, by and through their
18 undersigned counsel, hereby stipulate, agree and request that the Court enter an Order as
19 follows:

20 1. That, pursuant to Civil L.R. 6-2, the hearing on Defendants' Motion to Stay
21 Proceedings Pending Arbitration [Dkt. #25] presently set for November 19, 2015 at 2:00 p.m. be
22 vacated and continued to December 17, 2015 at 2:00 p.m.;

23 2. That, pursuant to Civil L.R. 6-2, the Case Management Conference
24 presently set for December 2, 2015 at 2:00 p.m. be vacated and continued to December 23, 2015
25 at 2:00 p.m.; and

26 3. That, pursuant to Civil L.R. 6-2, the Parties' deadline to file a Case
27 Management Statement and act under Federal Rule of Civil Procedure 26, including the
28 conference of the Parties pursuant to Rule 26(f) and initial disclosures under Rule 26(a), are

1 extended accordingly and discovery shall remain stayed.

2
3 **IT IS SO STIPULATED.**

4
5 Dated: November 13, 2015 IRELL & MANELLA LLP

6 By: /s/ Andra B. Green
7 Andra Barmash Greene
8 A. Matthew Ashley

9 *Counsel for Defendants Uber Technologies, Inc. and*
10 *Rasier, LLC*

11 Dated: November 13, 2015 ARIAS SANGUINETTI STAHLE & TORRIJOS, LLP

12
13 By: /s/ Alfredo Torrijos
14 Mike Arias
Alfredo Torrijos

15 LIDDLE & DUBIN, P.C.
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17 Nicholas A. Coulson

18 *Counsel for Plaintiffs Matthew Philliben and Byron*
19 *McKnight*
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CERTIFICATION PER GENERAL ORDER NO. 45, § X-B

Pursuant to General Order No. 45, § X-B, I, Alfredo Torrijos, hereby certify that on November 13, 2015, Andra B. Green authorized me to submit this Joint Stipulation And [Proposed] Order Updating the Court on Settlement Discussions and Requesting Extension of Temporary Stay Pending Further Mediation.

Dated: November 13, 2015

/s/ Alfredo Torrijos

Alfredo Torrijos

[PROPOSED] ORDER

Pursuant to the Parties' November 13, 2015 Stipulation, the Court:

- (1) Vacates and resets the hearing on Defendants' Motion to Stay Proceedings Pending Arbitration [Dkt. #25] to December 17, 2015 at 2:00 p.m.;
- (2) Vacates and resets the Case Management Conference to December 23, 2015 at 2:00 p.m.; and
- (3) Orders that the Parties' deadline to file a Case Management Statement and act under Federal Rule of Civil Procedure 26, including the conference of the Parties pursuant to Rule 26(f) and initial disclosures under Rule 26(a), are extended accordingly and discovery shall remain stayed.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: _____

Honorable Jon S. Tigar
United States District Court Judge